

REMARKS

Claims 1, 8, 32, 37, 38, 43, and 46 have been amended. Claims 1-8, 32-41, and 43-48 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests the Office's rejections be withdrawn and the application
5 be forwarded to issuance.

Examiner Interview

Applicant's Representative, Mark Niemann, wishes to thank Examiner Mosser for the telephone interview conducted on October 21st, 2008.

10 During the interview, Applicant's Representative and Examiner Mosser discussed amending the claims to expedite prosecution. Specifically, Applicant's representative proposed amending the claims to recite "automatically converting at least one static lyric set into a synchronized lyric set."

15 Applicant's Representative understood that the Examiner would reconsider the rejection of the claims in view of the proposed amendment, even though no agreement was specifically reached during the interview. Furthermore, the Examiner indicated that the allowance of the claims may be subject to an additional search.

Applicant respectfully requests a phone call if the Examiner thinks there are any further issues that might delay issuance.

20

Rejections under § 101

Claims 38-41 and 43-45 stand rejected under 35 U.S.C. § 101 because the Office argues that the claimed invention is directed to statutory subject matter. Specifically, the Office argues that the components in the claims are not drawn to structural components.

25 Applicant has amended independent claims 38 and 43 to recite "a processor; and one or more computer storage media containing a computer program that is executable by the processor, the computer program including". Applicant respectfully submits that the §101 rejection of claims 38 and 43 should be withdrawn in view of this amendment. Furthermore, the rejection of claims 39-41 and 44-45 should also be withdrawn because
30 claims 39-41 and 44-45 depend from claims 38 and 43, respectively.

Rejections under § 103

Claims 1-8, 32-41, and 43-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,469,370 to Ostrover et al. (“Ostrover”) in view of U.S. Publication No. 2002/0193895 to Qian et al. (“Qian”) and further in view of U.S. 5 Patent No. 6,623,529 to Lakritz (“Lakritz”).

The Claims

Claim 1 has been amended, and as amended recites a method for providing audio and lyrical data to a user comprising [added language appears in bold italics]:

10

- receiving a user request to play an audio file;
- identifying, based on the user request, a preferred language and a preferred sublanguage for displaying a lyric set associated with the audio file;
- automatically searching a list of lyric sets associated with the audio file to determine whether the lyric set is available in the preferred language and the preferred sublanguage;
- automatically selecting a preferred lyric set to be displayed in the preferred language and preferred sublanguage when the automatic searching indicates that the lyric set is available in the preferred language and the preferred sublanguage;
- automatically selecting an alternate lyric set to be displayed based on a hierarchical list of language priorities provided by a lyric synchronization module when the automatic searching indicates that the lyric set is unavailable in the preferred language and the preferred sublanguage, the automatic selecting performed without user assistance;
- playing the audio file and displaying the lyric set in the preferred language and the preferred sublanguage when the preferred lyric set is selected;
- playing the audio file and displaying the alternate lyric set when the alternate lyric set is selected; and
- providing a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments.*

35

In making out the rejection of this claim, the Office argues that claim 1 is unpatentable over Ostrover in view of Qian and further in view of Lakritz. Claim 1 has been amended to expedite prosecution. Applicant respectfully submits that none of the references of record teach or in any way suggest “providing a lyric editor *configured to*

automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments”, as claimed.

5 Support for this amendment can be found throughout Applicant’s specification, including Fig. 7 and the discussion of Fig. 7 at page 14, lines 7-23, which is reproduced below for the convenience of the Office:

Applicant’s Specification, Page 14, Lines 7-23 (emphasis added)

10 *Instead of requiring a user to type in the static lyrics, static lyrics can be converted to synchronized lyrics.* Fig. 7 is a flow diagram illustrating an embodiment of a procedure 700 for converting static lyrics to synchronized lyrics. Initially, a user selects an audio file to edit (block 702). A synchronized lyric editor reads the selected audio file (block 704). *The synchronized lyric editor also reads static lyrics associated with the selected audio file* (block 706). The synchronized lyric editor then *separates the static lyrics into multiple lyric segments* (block 708). This separation of the static lyrics may include ignoring any empty or blank lines or sections of the static lyrics (e.g., blank sections between verses). The multiple lyric segments are separated such that all lyric segments are approximately the same size (e.g., approximately the same number of characters or approximately the same audio duration). *The synchronized lyric editor associates a time code with each lyric segment* (block 710). The synchronized lyric editor then displays the time codes and the corresponding lyric segments (block 712). The user is able to edit the time codes and/or lyric segments as needed (block 714). Finally, the time codes and the corresponding lyric segments are saved in the audio file (block 716).

20
25
30 Applicant respectfully submits that none of the references of record teach or in any way suggest automatically converting static lyrics into synchronized lyrics, as claimed. Accordingly, for at least this reason, Applicant respectfully submits that claim 1 is in condition for allowance.

35 **Claims 2-7** depend from claim 1 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested by the references of record.

Claim 8 has been amended, and as amended recites one or more computer-readable memories containing a computer program that is executable by a processor to [added language appears in bold italics]:

- 5 • receive a user request to play an audio file;
- identify, based on the user request, a preferred language and a preferred sublanguage for displaying a lyric set associated with the audio file;
- automatically search a list of lyric sets associated with the audio file to determine whether the lyric set is available in the preferred language and the preferred sublanguage;
- 10 • automatically select a preferred lyric set to be displayed in the preferred language and preferred sublanguage when the automatic searching indicates that the lyric set is available in the preferred language and the preferred sublanguage;
- 15 • automatically select an alternate lyric set to be displayed based on a hierarchical list of language priorities provided by a lyric synchronization module when the automatic searching indicates that the lyric set is unavailable in the preferred language and the preferred sublanguage, the automatic selecting performed without user assistance;
- 20 • play the audio file and display the lyric set in the preferred language and the preferred sublanguage when the preferred lyric set is selected;
- play the audio file and display the alternate lyric set when the alternate lyric set is selected; and
- 25 • provide a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments.*

30 In making out the rejection of this claim, the Office argues that claim 8 is unpatentable over Ostrover in view of Qian and further in view of Lakritz. Claim 8 has been amended to expedite prosecution. Applicant respectfully submits that none of the references of record teach or in any way suggest providing “a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments*”, as claimed. Support for this amendment can be found throughout Applicant’s specification, including Fig. 7 and the discussion of Fig. 35 7 at page 14, lines 7-23.

Accordingly, for at least this reason, Applicant respectfully submits that claim 8 is in condition for allowance.

Claim 32 has been amended, and as amended recites a method for providing audio and lyrical data to a user comprising [added language appears in bold italics]:

5

- receiving a user request to play an audio file;
- identifying, based on the user request, a preferred language for displaying lyrics;
- identifying an alternate language for displaying the lyrics when the lyric set is unavailable in the preferred language, the identifying the alternate language performed automatically based on a hierarchical list of language priorities provided by a lyric synchronization module and without user assistance;
- playing the audio file and displaying associated lyric data in the preferred language if lyric data is available in the preferred language;
- playing the audio file and displaying associated lyric data in the alternate language if lyric data is not available in the preferred language;
- providing a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments.*

In making out the rejection of this claim, the Office argues that claim 32 is unpatentable over Ostrover in view of Qian and further in view of Lakritz. Claim 32 has been amended to expedite prosecution. Applicant respectfully submits that none of the references of record teach or in any way suggest “providing a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments*”, as claimed. Support for this amendment can be found throughout Applicant’s specification, including Fig. 7 and the discussion of Fig. 7 at page 14, lines 7-23.

Accordingly, for at least this reason, Applicant respectfully submits that claim 32 is in condition for allowance.

Claims 33-36 depend from claim 32 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features

which, in combination with those recited in claim 32, are neither disclosed nor suggested by the references of record.

Claim 37 has been amended, and as amended recites one or more computer-readable memories containing a computer program that is executable by a processor to

5 [added language appears in bold italics]:

- receive a user request to play an audio file;
- identify, based on the user request, a preferred language for displaying lyrics;
- 10 • identify an alternate language for displaying the lyrics when the lyric set is unavailable in the preferred language, the identifying the alternate language performed automatically based on a hierarchical list of language priorities provided by a lyric synchronization module and without user assistance;
- 15 • play the audio file and display associated lyric data in the preferred language if lyric data is available in the preferred language;
- play the audio file and display associated lyric data in the alternate language if lyric data is not available in the preferred language;
- 20 • provide a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments.*

25 In making out the rejection of this claim, the Office argues that claim 37 is unpatentable over Ostrover in view of Qian and further in view of Lakritz. Claim 37 has been amended to expedite prosecution. Applicant respectfully submits that none of the references of record teach or in any way suggest providing “a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments*”, as claimed. Support for this amendment can be found throughout Applicant’s specification, including Fig. 7 and the discussion of Fig. 7 at page 14, lines 7-23.

35 Accordingly, for at least this reason, Applicant respectfully submits that claim 37 is in condition for allowance.

Claim 38 has been amended, and as amended recites an apparatus for providing audio and lyrical data to a user comprising [added language appears in bold italics]:

- 5 • *a processor; and*
- *one or more computer storage media containing a computer program that is executable by the processor, the computer program including:*
 - o an audio player to play an audio file;
 - o a language selection module to automatically search a list of lyric sets associated with the audio file to determine whether a lyric set is available in a preferred language, and to automatically identify an alternate lyric set to be displayed based on a hierarchical list of language priorities when the search by the language selection module indicates that the lyric set is unavailable in the preferred language, the automatic searching and automatic identifying performed without user assistance;
 - o a lyric display module coupled to the audio player and the language selection module, the lyric display module to identify the alternate lyric set associated with the audio file, wherein the lyric display module displays the identified alternate lyric set synchronously with playing of the audio file; and
 - o a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments.*

In making out the rejection of this claim, the Office argues that claim 38 is unpatentable over Ostrover in view of Qian and further in view of Lakritz. Claim 38 has 30 been amended to expedite prosecution. Applicant respectfully submits that none of the references of record teach or in any way suggest “a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments*”, as claimed. Support for this amendment can 35 be found throughout Applicant’s specification, including Fig. 7 and the discussion of Fig. 7 at page 14, lines 7-23.

Accordingly, for at least this reason, Applicant respectfully submits that claim 38 is in condition for allowance.

Claims 39-41 depend from claim 38 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 38, are neither disclosed nor suggested by the references of record.

5 **Claim 43** has been amended, and as amended recites an apparatus for providing audio and lyrical data to a user comprising [added language appears in bold italics]:

- 10 • *a processor; and*
- 15 • *one or more computer storage media containing a computer program that is executable by the processor, the computer program including:*
 - o means for identifying an audio file to play based on a user request;
 - o means for identifying a plurality of lyric segments associated with the audio file, wherein each lyric segment has an associated time code, and wherein the time codes identify periods of time during playback of the audio file;
 - o means for identifying a preferred language and a preferred sublanguage for displaying lyrics, wherein the preferred sublanguage identifies a country/region dialect of the preferred language, wherein an alternate language is automatically selected without user assistance if lyric segments are not available in the preferred language and sublanguage;
 - o means for playing the audio file and displaying a lyric segment that corresponds to the current time code; and
 - o means for *automatically converting at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments.*

30 In making out the rejection of this claim, the Office argues that claim 43 is unpatentable over Ostrover in view of Qian and further in view of Lakritz. Claim 43 has been amended to expedite prosecution. Applicant respectfully submits that none of the references of record teach or in any way suggest “*automatically converting at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments*”, as claimed. Support for this amendment can be found throughout Applicant’s specification, including Fig. 7 and the discussion of Fig. 7 at page 14, lines 7-23.

Accordingly, for at least this reason, Applicant respectfully submits that claim 43 is in condition for allowance.

Claims 44-45 depend from claim 43 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 43, are neither disclosed nor suggested by the references of record.

Claim 46 has been amended, and as amended recites one or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to [added language appears in bold italics]:

- receive a user request to play an audio file;
- identify a preferred language and a preferred sublanguage that identifies a country/region dialect of the preferred language in which to display lyrics associated with the audio file, wherein an alternate language is automatically identified without user assistance if lyric segments are not available in the preferred language and sublanguage;
- identify a plurality of lyric segments associated with the audio file, wherein each lyric segment has an associated time code, and wherein each time code identifies a time during playback of the audio file that a corresponding lyric segment is displayed;
- play the audio file and display the corresponding lyric segments as the audio file is played; and
- provide a lyric editor *configured to automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments.*

In making out the rejection of this claim, the Office argues that claim 46 is unpatentable over Ostrover in view of Qian and further in view of Lakritz. Claim 46 has been amended to expedite prosecution. Applicant respectfully submits that none of the references of record teach or in any way suggest providing “a lyric editor configured to *automatically convert at least one static lyric set associated with the audio file into a synchronized lyric set associated with the audio file by automatically separating the static lyric set into multiple lyric segments and automatically associating a time code with each of the multiple lyric segments*”, as claimed. Support for this amendment can

be found throughout Applicant's specification, including Fig. 7 and the discussion of Fig. 7 at page 14, lines 7-23.

Accordingly, for at least this reason, Applicant respectfully submits that claim 46 is in condition for allowance.

5 **Claims 47-48** depend from claim 46 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 46, are neither disclosed nor suggested by the references of record.

10 Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

15

Respectfully Submitted,

Dated: November 4, 2008

By: /Mark F. Niemann/
Mark F. Niemann
Reg. No. 61817
Sadler, Breen, Morasch & Colby, P.S.
(509) 755-7259

20